

§715.1

15 CFR Ch. VII (1–1–07 Edition)

AMENDMENTS FOR UNSCHEDULED DISCRETE ORGANIC CHEMICAL (UDOC) FACILITIES

AUTHORITY: 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.

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§715.1 Annual declaration requirements for production by synthesis of unscheduled discrete organic chemicals (UDOCs).

(a) *Declaration of production by synthesis of UDOCs for purposes not prohibited by the CWC.*—(1) *Production quantities that trigger the declaration requirement.* See §711.6 of the CWC for information on obtaining the forms you will need to declare production of unscheduled discrete organic chemicals. You must complete the forms specified in paragraph (b) of this section if your plant site produced by synthesis:

(i) In excess of 200 metric tons aggregate of all UDOCs (including all UDOCs containing the elements phosphorus, sulfur or fluorine, referred to as “PSF chemicals”) during the previous calendar year; or

(ii) In excess of 30 metric tons of an individual PSF chemical at one or more plants at your plant site during the previous calendar year.

NOTE TO §715.1(a)(1)(ii): In calculating the aggregate production quantity of each individual PSF chemical produced by a PSF plant, do not include production of a PSF chemical that was produced in quantities less than 30 metric tons. Include only production quantities from those PSF plants that produced more than 30 metric tons of an individual PSF chemical.

(2) *UDOCs subject to declaration requirements under this part.* (i) UDOCs subject to declaration requirements under this part are those produced by synthesis that have been isolated for:

(A) Use; or

(B) Sale as a specific end product.

(ii) *Exemptions.* (A) Polymers and oligomers consisting of two or more repeating units;

(B) Chemicals and chemical mixtures produced through a biological or bi-mediated process;

(C) Products from the refining of crude oil, including sulfur-containing crude oil;

(D) Metal carbides (i.e., chemicals consisting only of metal and carbon); and

(E) UDOCs produced by synthesis that are ingredients or by-products in foods designed for consumption by humans and/or animals.

NOTE TO §715.1(a)(2): See Supplement No. 2 to this part 715 for examples of UDOCs subject to the declaration requirements of this part, and for examples of activities that are not considered production by synthesis.

(3) *Exemptions for UDOC plant sites.* UDOC plant sites that exclusively produced hydrocarbons or explosives are exempt from UDOC declaration requirements. For the purposes of this part, the following definitions apply for hydrocarbons and explosives:

(i) Hydrocarbon means any organic compound that contains only carbon and hydrogen; and

(ii) Explosive means a chemical (or a mixture of chemicals) that is included in Class 1 of the United Nations Organization hazard classification system.

(b) *Types of declaration forms to be used.*—(1) *Annual declaration on past activities.* You must complete the *Certification Form and Form UDOC* (consisting of two pages), unless there are no changes from the previous year's declaration and you submit a *No Changes Authorization Form* pursuant to paragraph (b)(2) of this section. Attach Form A as appropriate; Form B is optional.

(2) *No Changes Authorization Form.* You may complete the *No Changes Authorization Form* if there are no updates or changes to any information (except the certifying official and dates signed and submitted) in your plant site's previously submitted annual declaration on past activities. Your plant site's activities will be declared to the OPCW and subject to inspection, if applicable, based upon the data reported in the most recent UDOC Declaration that you submitted to BIS.

NOTE TO §715.1(b)(2): If, after submitting the *No Changes Authorization Form*, you have changes to information, you must submit a complete amendment to the annual declaration on past activities. See §715.2 of the CWC.

(c) *“Declared” UDOC plant site.* A plant site that submitted a declaration pursuant to paragraph (a)(1) of this section is a “declared” UDOC plant site.

(d) *Routine inspections of declared UDOC plant sites.* A “declared” UDOC

plant site is subject to routine inspection by the Organization for the Prohibition of Chemical Weapons (see part 716 of the CWC) if it produced by synthesis more than 200 metric tons aggregate of UDOCs during the previous calendar year.

§ 715.2 Amended declaration.

In order for BIS to maintain accurate information on previously submitted plant site declarations, including current information necessary to facilitate inspection notifications and activities or to communicate declaration requirements, amended declarations will be required under the following circumstances described in this section. This section applies only to annual declarations on past activities submitted for the previous calendar year, unless specified otherwise in a final inspection report.

(a) *Changes to information that directly affects a declared plant site's Annual Declaration of Past Activities (ADPA) which was previously submitted to BIS.* You must submit an amended declaration to BIS within 15 days of any change in the following information:

- (1) Product group codes for UDOCs produced in quantities exceeding the applicable declaration threshold specified in § 715.1(a)(1) of the CWC;
- (2) Approximate number of plants at the declared plant site that produced any amount of UDOCs (including all PSF chemicals);
- (3) Aggregate amount of production (by production range) of UDOCs produced by all plants at the declared plant site;
- (4) Exact number of plants at the declared plant site that individually produced more than 30 metric tons of a single PSF chemical; and
- (5) Production range of each plant at the declared plant site that individually produced more than 30 metric tons of a single PSF chemical.

(b) *Changes to company and plant site information submitted in the ADPA that must be maintained by BIS.*—(1) *Internal company changes.* You must submit an amended declaration to BIS within 30 days of any change in the following information:

- (i) Name of declaration point of contact (D-POC), including telephone

number, facsimile number, and e-mail address;

- (ii) Name(s) of inspection point(s) of contact (I-POC), including telephone number, facsimile number(s) and e-mail address(es);

(iii) Company name (see 715.2(b)(2) for other company changes);

(iv) Company mailing address;

(v) Plant site name;

(vi) Plant site owner, including telephone number and facsimile number; and

(vii) Plant site operator, including telephone number and facsimile number.

(2) *Change in ownership of company or plant site.* If you sold or purchased a declared plant site, you must submit an amended declaration to BIS, either before the effective date of the change or within 30 days after the effective date of the change. The amended declaration must include the following information.

(i) Information that must be submitted to BIS by the company selling a declared plant site:

(A) Name of seller (i.e., name of company selling a declared plant site);

(B) Name of declared plant site name and U.S. Code Number for that plant site;

(C) Name of purchaser (i.e., name of new company purchasing a declared plant site) and identity of contact person for the purchaser, if known;

(D) Date of ownership transfer or change;

(E) Additional details on the sale of the declared plant site relevant to ownership or operational control over any portion of the declared plant site (e.g., whether the entire plant site or only a portion of the declared plant site has been sold to a new owner); and

(F) Details regarding whether the new owner will submit the declaration for the entire calendar year during which the ownership change occurred, or whether the previous owner and new owner will submit separate declarations for the periods of the calendar year during which each owned the plant site.

(I) If the new owner is responsible for submitting the declaration for the entire current year, it must have in its possession the records for the period of